



IN THE U.S. PATENT AND TRADEMARK OFFICE

In re patent application of

Ketner

Serial No.: 09/904,698

Group Art Unit: 1632

Filed: July 13, 2001

Examiner: Priebe, Scott David

For: USE OF GENE PRODUCT OF ADENOVIRUS EARLY REGION 4 ORF-6 TO
INHIBIT REPAIR OF DOUBLE-STRANDED BREAKS IN DNA

Assistant Commissioner of Patents
Washington, D.C. 20231

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a)

Sir:

The application and the preliminary amendment filed March 28, 2002 has been reviewed by Dr. Gary Ketner and Dr. Julie Boyer, and it has been determined that an error arose without deceptive intent on the part of Dr. Ketner or Dr. Boyer, and that Dr. Boyer should be identified as an inventive entity in the above-identified application. Dr. Boyer was identified as joint inventor in the provisional application from which this application claims priority.

1) Request to Correct Inventorship

The Applicants request that the inventorship be corrected to identify both Dr. Ketner and Dr. Boyer as joint inventors.

03/21/2003 ZJUHAR1 00000079 09904698

01 FC:1460
02 FC:2051

130.00 OP
65.00 OP

2) Verified Statement of the Inventors

Dr. Gary Ketner and Dr. Julie Boyer state the following:

- a) We have each reviewed the above-identified application and claims added by amendment.
- b) Dr. Julie Boyer is a joint inventor of the claimed invention now pending before the U.S. Patent and Trademark Office.
- c) The error in identifying the inventorship in the present application occurred without deceptive intent on the parts of either Dr. Gary Ketner and Dr. Julie Boyer, and
- d) We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these

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statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dr. Gary Ketner

Date

Dr. Julie Boyer

Date

3) A substitute declaration is attached hereto.

The declaration is executed by both Dr. Gary Ketner and Dr. Julie Boyer. A check in the amount of \$195 is attached to satisfy the surcharge fee for filing the declaration and the processing fee discussed below. If any additional fees are required to gain entry of this declaration, the Commissioner is authorized to charge attorney's deposit account 50-2041 (Whitham, Curtis & Christofferson).

4) Processing fee.

As noted above, a check is attached to satisfy the processing fee.

5) Consent of Assignee.

Dr. Gary Ketner assigned his interest to the Johns Hopkins University, and the assignment was submitted to the U.S. Patent and Trademark Office on March 28, 2002. Dr. Julie Boyer's assignment to Johns Hopkins University is being concurrently submitted with this petition.

Dr. R. Keith Baker verifies the following:

- a) He is the Senior Director, Office of Licensing and Technology Development for Johns Hopkins University and has authority over intellectual property matters involving Johns Hopkins University and is able to provide consent on behalf of the University for this change in inventorship.
- b) Johns Hopkins University consents to the change in inventorship in the above-identified

application.

c) I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

R. Keith Baker

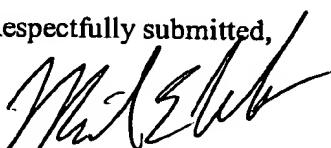
Dr. R. Keith Baker

3/10/03

Date

In view of the above and the attachments hereto, please correct the inventorship and proceed with examination in this matter.

Respectfully submitted,



Michael E. Whitham
Reg. No. 32,635

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